

### Registration:

Registration by E-Mail to [martina.terp@univie.ac.at](mailto:martina.terp@univie.ac.at)

This is an invitation-only, free of charge event with limited seating. Registrations are accepted on a first come, first served basis.

### Organized by:

#### Marc Bungenberg

Chair of Public Law, International Law, European Law, and International Economic Law, Saarland University

Jean Monnet Chair "EU Constitutional Framework for International Dispute Settlement and the Rule of Law"

#### August Reinisch

Department of European, International and Comparative Law  
University of Vienna

### Sponsored by:

## Debate: EU Sanctions against Russia and the Rule of Law

Tuesday, 24 January 2023, 9:00 a.m. - 6:00 p.m.

Juridicum – Top Floor (DG)  
Schottenbastei 10-16  
1010 Vienna, Austria



# Debate: EU Sanctions against Russia and the Rule of Law

The “restrictive measures” (sanctions) adopted by the European Union in the aftermath of the Russian Federation’s aggression against Ukraine have sparked intense debate in regard to their effectiveness, appropriateness and legality among political decision-makers, economists, political scientists, and lawyers.

This debate focuses on legal questions, in particular, the rule of law-requirements EU restrictive measures have to meet. Such issues have already arisen regarding the EU’s targeted sanctions against terror suspects two decades ago, leading among others to the landmark *Kadi* cases before the European Court of Justice. However, even in the current practice of EU sanctions application multiple rule of law-questions remain open.

In order to foster a robust discussion, panelists will be assigned positions and thus be free to argue, irrespective of their personal views on the issues at stake. The debate will be conducted under the Chatham House Rule.

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## Programme

**09.00-10.00**     **Registration (& coffee)**

**10.00-10.15**     **Welcome address**  
*Brigitta Zöchling-Jud, Dean of the Law School, University of Vienna*

**Introduction**  
*Marc Bungenberg, Saarland University*  
*August Reinisch, University of Vienna*

**10.15-10.45**     **Keynote address**  
*Juliane Kokott, Advocate General at the CJEU*

**10.45-12.00**     **PANEL I: Can “frozen” Russian assets be used for the reconstruction of Ukraine?**

- State assets, including central bank assets, or their “fruits” (interest income) and State immunity
- The call of the Commission and the Council for “oligarchs covering the reconstruction of Ukraine”
- Restrictions under Article 1 Protocol 1 ECHR and Article 17 CFR
- Confiscation in the course of criminal procedures

**Panelists:** *Antonios Tzanakopoulos, University of Oxford*  
*Christian Tietje, University of Halle-Wittenberg*

**Chair:** *Ursula Kriebaum, University of Vienna*

## Programme

**12.00-13.30**     **Lunch Break**

**13.30-14.45**     **PANEL II: Are the EU Sanctions against Russia compliant with the principles of legal certainty and foreseeability?**

- Are the Designation Criteria in Article 3(1)(f) and (g) Council Regulation (EU) No 269/2014 sufficiently precise from a Rule of Law perspective?
- What is the goal of sanctioning Russian individuals if they have no connection to the war in Ukraine?
- Is “association” of an individual with a person sanctioned under Article 3(1)(f) or (g) enough for sanctions?
- Is the nexus between sanctioned individuals and corporate entities sufficiently determined?
- Is there a difference between the requirements of sanctions law and criminal law under the principles of legal certainty and foreseeability?

**Panelists:** *Stephan Wittich, University of Vienna*  
*Gabriel Lansky, LGP*  
*Philip Goeth, LGP*

**Chair:** *Irmgard Marboe, University of Vienna*

**14.45-15.00**     **Coffee Break**

**15.00-16.15**     **PANEL III: Are the EU Sanctions against Russia in conformity with fundamental rights and proportionality?**

- Infringements upon sanctioned individuals’ rights
- Principles of proportionality in the case law of the ECJ
- Evidence and burden of proof

**Panelists:** *Lorent Havas, European External Action Service*  
*Erika de Wet, University of Graz*

**Chair:** *Matthias Lehmann, University of Vienna*

**16.15-17.30**     **PANEL IV: Are the legal remedies against EU listing decisions effective?**

- Reviewability of sanctions designations
- Reconsideration procedure
- Interim measures decisions
- Requirements in case of re-listings

**Panelists:** *Nicoleta Tuominen, Dentons*  
*Viktor Kreuzschitz, former judge at the General Court*

**Chair:** *Kirsten Schmalenbach, University of Salzburg*

**17:30-18:00**     **Concluding Remarks**  
*Marc Bungenberg and August Reinisch*